

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Davion Duan Fleming

Case: 2:24-mj-30524

Assigned To : Unassigned

Assign. Date : 12/10/2024

Description: CMP USA V. FLEMING
(DJ)

Case No.

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 18, 2024-December 9, 2024 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 2252A(a)(2)

18 U.S.C. § 2252A(a)(5)(B)

Distribution of Child pornography.

Possession of Child pornography.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: December 10, 2024

City and state: Detroit, Michigan


Complainant's signatureMatthew R. Hughes, Special Agent-FBI

Printed name and title



Judge's signature

Hon. Kimberly G. Altman, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Matthew R. Hughes, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent of the FBI since October 2019 and am currently assigned to the FBI Detroit Division. While employed by the FBI, I have investigated federal criminal violations related to Internet fraud, computer intrusions, and the FBI's Innocent Images National Initiative, which investigates matters involving the online sexual exploitation of children. I have gained experience through training at the FBI Academy, post Academy training, and everyday work related to conducting these types of investigations.

2. I have received training in the area of child pornography and child exploitation and have reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. §§ 2251, 2252A, 2422(b) and 2261A(2)(B). I am authorized by law to request an arrest warrant.

3. This affidavit is submitted in support of an application for a criminal complaint and arrest warrant for Davion Duan Fleming for violations of 18 U.S.C.

§§ 2252A(a)(2) (distribution of child pornography) and 2252A(a)(5)(B) (possession of child pornography).

4. The statements contained in this affidavit are based in part on information provided by U.S. law enforcement officers, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents, information gathered from investigative sources of information, and my experience, training, and background as a Special Agent.

5. This affidavit is submitted for the limited purpose of securing a complaint and an arrest warrant. I have not included every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause that Davion Duan Fleming has violated the above statute.

PROBABLE CAUSE

6. On or about October 18, 2024, FBI Detroit received a tip from the Texas Fusion Center stating that an individual with the Facebook username “JXXXX JXXXX” posted a series of screen captures within a Facebook group of an Instagram conversation initiated by user “andwereback223”, followed by a text conversation initiated by phone number XXX-XXX-1385. The dates of the conversations were not provided.

7. The screen captures of the Instagram conversation showed the profile public name “Dee” with the username “andwereback223.” The screen captures showed that “Dee” initiated the conversation. The screenname or other identifiers for the individual receiving the messages (hereafter “Receiving User”) and creating the screen captures was not provided. The following conversation occurred:

- Dee: Hey
- Dee: Wanna see a video of me and [REFERENCE TO MV-1]?
- Receiving User: what the hell yall doing
- Dee: XXXXXX1385 text me

8. The following text message conversation then occurred between the Receiving User and phone number XXX-XXX-1385:

- Receiving User: now wat u and [REFERENCE TO MV-1] doing
- *XXX-XXX-1385 then sends a video. The thumbnail of the video appears to be a young female estimated to be four to five years old holding the genitals of an adult male and engaging in oral sex*
- Receiving User: were u from
- XXX-XXX-1385: Texas wbu
- Receiving User: ok
- Receiving User: What part
- Receiving User: I stay n Texas too

- XXX-XXX-1385: Wanna see more?
- Receiving User: thats an old video?
- XXX-XXX-1385: yea
- Receiving User: Were [REFERENCE TO MV-1] now
- XXX-XXX-1385: She at home but she comes over a lot
- Receiving User: Whats her name how old are she
- XXX-XXX-1385: [REFERENCE TO MV-1] and [AGE UNDER 12 YEARS OLD] now

9. On or about October 31, 2024, a subpoena was served to T-Mobile for subscriber information for phone number XXX-XXX-1385. A response was received on or about November 5, 2024. T-Mobile identified the user as “Davion Fleman” in Detroit, MI.

10. On or about October 31, 2024, a subpoena was served to Meta, Inc. for subscriber information for the username “andwereback223.” A return was received on or about November 14, 2024. The subscriber information identified the Google email account XXXXXX@gmail.com as the signup email account. IP address login information was also provided.

11. Law enforcement investigated “andwereback223” account’s recent IP address logins to confirm the current whereabouts of the user of that account. On December 9, 2024, “andwereback223” used an IP address serviced by Comcast that

was associated with a residence in Detroit, Michigan. The user of the “andwereback223” account logged into the “andwereback223” account multiple times on December 9, 2024, using the same IP address.

12. A search of the National Center for Missing and Exploited Children (NCMEC) identified two Cybertips associated with the email address XXXXXX@gmail.com.

13. The first Cybertip, submitted by Snapchat to NCMEC on or about May 5, 2024, identified that user deejayontopp, with associated email address XXXXXX@gmail.com, had distributed three videos that appeared to be child pornography. I reviewed the videos on or about December 9, 2024. The three videos were identical and appeared to show a female around five years old engaging in oral sex with an adult male. The child was visually similar to the previously identified video thumbnail sent by phone number XXX-XXX-1385.

14. The second Cybertip, submitted by Instagram to NCMEC on or about June 4, 2024, identified user “andwereback223” and email address XXXXXX@gmail.com. According to the Cybertip, the user had attempted to upload two videos that appeared to be child pornography but were blocked by Instagram content filters. The videos were not provided in the Cybertip.

15. On December 9, 2024, a search warrant was executed at a residence in Detroit, Michigan. Davion Duan Fleming was encountered at the residence.

16. Fleming was interviewed by agents following the execution of the search warrant. Fleming stated that he frequently received and distributed child pornography using Telegram, a known chat platform, and other social media applications. Fleming stated that he would “test the waters” by asking if the person wanted to see a video of [REFERENCE TO MV-1]. If they agreed he would share videos depicting prepubescent females engaged in sexual acts. Fleming denied creating the video but admitted to distributing the video.

17. Fleming stated that he would often chat with minors on Instagram and would request nude images of them. On multiple occasions he obtained nude images from females he knew to be minors as young as 13 years old. He kept some of the images, but many were stored within the Instagram chats. And he chatted and distributed child sexually abusive material multiple times a week, including within the past week.

18. Fleming stated his primary Instagram account to share child sexually abusive material and attempt to obtain nude images from minors was “andwereback223.” He stated he used the XXXXXX@gmail.com account as well.

19. A phone belonging to Fleming was reviewed following the interview. Multiple chats on Telegram were identified where Fleming requested or distributed child pornography. On Fleming’s phone, law enforcement located the video

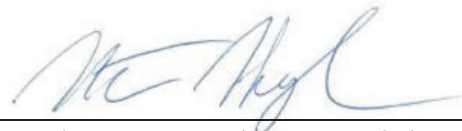
corresponding with the thumbnail from the text messages thread as well as the videos identified in the Cybertips; they were distributed multiple times to other individuals.

20. It was estimated that there were several thousand images and videos that met the federal definition of child pornography stored on Fleming's phone. For instance, on December 9, 2024, Fleming distributed a video of a prepubescent female engaged in oral sex with an adult male.

CONCLUSION

21. Based on the foregoing, there is probable cause to believe that Davion Duan Fleming violated 18 U.S.C. §§ 2252A(a)(2) (distribution of child pornography) and 2252A(a)(5)(B) (possession of child pornography).

Respectfully submitted,



Matthew R. Hughes, Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my presence
and/or by reliable electronic means.



Hon. Kimberly G. Altman
United States Magistrate Judge

Date: December 10, 2024